

Legal Separation in a Covenant Marriage

In order to obtain a legal separation (which is not a divorce and does not end the marriage), a spouse to a Covenant Marriage must first obtain counseling and then must prove:

- 1) Adultery by the other spouse;
- 2) Commission of a felony by the other spouse which results in a sentence of imprisonment or death;
- 3) Physical or sexual abuse of the spouse or a child of either spouse;
- 4) The spouses have lived separate and apart continuously without reconciliation for two years; or
- 5) Habitual drunkenness for one year, cruel and barbarous treatment, or such indignities as to render the spouse's condition intolerable.

Divorce in a Covenant Marriage

In a Covenant Marriage a spouse may get a divorce only after receiving counseling and only for the following reasons:

- 1) Adultery by the other spouse;
- 2) Commission of a felony or other infamous crime by the other spouse;
- 3) Physical or sexual abuse of the spouse or of a child of either spouse;
- 4) The spouses have lived separate and apart continuously without reconciliation for two years;

- 5) The spouses are judicially separated and have lived separate and apart continuously without reconciliation since the legal separation for:
 - a) Two years and six months if there is a minor child or children of the marriage;
 - b) One year if the separation was granted for abuse of a child of either spouse;
 - c) Two years in all other cases.

Suits Against Spouses in a Covenant Marriage

Unless judicially separated, spouses in a covenant marriage may only sue each other for causes of action pertaining to contracts, for restitution of separate property, for judicial separation, for divorce, for declaration of nullity of the marriage, or for causes of action pertaining to spousal support or support or custody of a child while the spouses are living separate and apart, although not judicially separated.

DECLARATION OF INTENT

In order to enter into a Covenant Marriage, the couple must sign a recitation that provides:

“A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the deci-

sion to enter into this marriage. We have received authorized counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act of 2001, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Arkansas law on covenant marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.”

(Name of prospective spouse)

(Name of prospective spouse)

After discussing the meaning of the Covenant Marriage with a counselor, the couple must also sign a notarized affidavit with an attestation by the counselor. The following is the suggested form of the affidavit: